

REMARKS

In response to the non-final Office Action of February 22, 2007, Applicants ask that all claims be allowed in view of the amendments and the following remarks. Claims 1-20, 22-29, 38, and 40-46 are pending, of which claims 1 and 38 are independent. Claims 11-20 and 22-29 have been withdrawn from consideration, and claims 21, 30-37, and 39 have been cancelled. Claims 1-10, 38, 43, and 46 have been amended. Support for the amendments may be found in the application at least at page 10, lines 30-32; page 11, lines 4-5; page 11, lines 29-31; page 12, lines 5-16; and FIG. 2. No new matter has been introduced.

Claim Rejections—35 U.S.C. § 112, first paragraph

Claims 1-10, 38, and 40-46 have been rejected under 35 U.S.C. § 112, first paragraph. In response, Applicants have amended claims 1, 38, and 46. These amendments are believed to address the Examiner's concerns regarding claims 1-10, 38, and 40-45. Moreover, these amendments are clearly supported by the specification at least at page 11, lines 29-31.

Additionally, Applicants respectfully disagree with the Office Action's assertion that claims 1 and 38 as previously presented are unsupported by the specification. In particular, the Office Action appears to assert that the previously presented claims recited that the block configurator 245 performed functions that the specification indicates are performed by the block manager 285 or the block processor 260. See Office Action of February 22, 2007 at page 3, lines 12-21. Applicants note that the previously presented claims recited that a block configurator is configured to "effectuate transfer of the application object" and "effectuate creation of the application objects."

In a genuine effort to advance prosecution, however, and without conceding the correctness or propriety of this rejection, Applicants have amended the claims to recite, *inter alia*, a block configurator configured to control the block manager to transfer the application object file to the block processor, and to control the block manager to create the application objects from the application object files. Support for this feature is described throughout the disclosure, including at least pages 11 and 12 of the specification ("...the block configurator 245 provides a graphical user interface 205 to control the block manager 285...").

Accordingly, Applicants request reconsideration and withdrawal of this rejection.

Claim Rejections—35 U.S.C. § 112, second paragraph

Claims 38 and 40-46 have been rejected under 35 U.S.C. § 112, second paragraph. Because Applicants have amended claims 38 and 43 largely in accordance with the Examiner's suggestion, these amendments are believed to address the relevant concerns. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

Claim Rejections—35 U.S.C. § 101

Claims 1-10, 38, and 40-46 have been rejected under 35 U.S.C. § 101. Applicants respectfully traverse this rejection because independent claims 1 and 38 are directed to statutory subject matter. Independent claim 1 recites, *inter alia*, a block configurator configured to control the block manager to transfer the application object file to the block processor. Applicants submit that claim 1 produces a tangible result—namely, the transfer of an application object file to a block processor. Moreover, the Office Action notes that claim 46 “produces a tangible final result of a block manager configured to ‘transfer the application object files to respective block processors of each local workstation.’” See Office Action of February 22, 2007 at page 9, lines 10-12. Applicants submit that the noted feature of claim 1 is similar in effect and result to the feature of claims 46 referred to in the Office Action. Thus, claim 1 also produces a tangible final result.

Accordingly, claim 1 recites patentable subject matter under 35 U.S.C. § 101. Applicants request reconsideration and withdrawal of the rejection of claim 1 and claims 2-9, which depend from claim 1.

Claim 38 also recites, *inter alia*, a block configurator configured to control the block manager to transfer the application object file to the block processor. Thus, claim 38 and claims 40-46, which depend from claim 38, recite statutory subject matter for the reasons discussed above with respect to claim 1.

Claim Rejections—35 U.S.C. § 102

Claims 1, 5-8, 38, and 43-46 have been rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,134,574 to Beaverstock et al. (“Beaverstock”). Applicants request reconsideration and withdrawal of this rejection because Beaverstock does not describe or suggest the subject matter

of independent claims 1 and 38. For example, Beaverstock does not describe or suggest at least a block configurator configured to save block types to a block database, generate an application object file from the saved block types, control the block manager to transfer the application object file to the block processor, and control a block manager to create the application objects from the application object files, as recited in independent claim 1.

Rather, Beaverstock relates to a processing plant control apparatus that provides real-time indications of performance of plant operations. See Beaverstock at Abstract. Object manager 55a, 55b, 55c, and 55d manages the import and export of input and other data blocks. See Beaverstock at col. 6, lines 8-12. The object manager maintains an import list of objects (e.g., input or data blocks) that are not found locally and are thus required to be imported from other modules in order to execute certain processing. See Beaverstock at col. 6, lines 18-23. In particular, the object manager enables objects to be accessed by name instead of memory location or address wherever in the network the object may be stored. See Beaverstock at col. 7, lines 18-22.

The Office Action appears to equate the object manager 55a-55d with the claimed block configurator. See Office Action of February 22, 2007 at page 11, line 6. As discussed above, the object manager manages the import and export of objects and enables the objects to be accessed by name instead of memory location. However, there is no indication that Beaverstock's object manager saves block types to a block database, generates an application object file from the saved block types, controls the block manager to transfer the application object file to the block processor, and controls a block manager to create the application objects from the application object files.

Accordingly, the referenced portion of Beaverstock does not describe or suggest at least a block configurator configured to save block types to a block database, generate an application object file from the saved block types, control the block manager to transfer the application object file to the block processor, and control a block manager to create the application objects from the application object files, as recited in independent claim 1.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and claims 5-8, which depend from claim 1.

Independent claim 38 recites, *inter alia*, a block configurator configured to save block types to a block database, generate an application object file from the saved block types, control the block manager to transfer the application object file to the block processor, and control a block manager to create the application objects from the application object files. Thus, claim 38 and claims 43-46, which depend from claim 38, are believed to be allowable over Beaverstock for the reasons discussed above with respect to claim 1.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 38 and claims 43-46, which depend from claim 38.

Claim Rejections—35 U.S.C. § 103

Claims 2-4, 9, 10, and 40-42 have been rejected under 35 U.S.C. § 103 over Beaverstock in view of Official Notice. Applicants respectfully traverse the Examiner's use of Official Notice to assert that the subject matter of these dependent claims is "notoriously well known in analogous arts." See Office Action of February 22, 2007 at page 14, lines 9-11. Under MPEP § 2144.03(A), official notice may only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and unquestionable demonstration as being well-known. Thus, Applicants request that the Examiner provide documentary evidence if the rejection is to be maintained. See MPEP § 2144.03(C).

No other matters being raised, it is believed that the entire application is fully in condition for allowance and such action is courteously solicited.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

Applicant : Sanford et al.
Serial No. : 10/680,411
Filed : October 8, 2003
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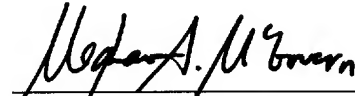
Attorney's Docket No.: 12780-023001 / 02,003

Pursuant to 37 CFR §1.136, Applicants hereby petition that the period for response to the Office Action dated February 22, 2007, be extended for one month to and including June 22, 2007.

The Petition for Extension of Time fee (\$120.00) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No additional fee is believed due. Nonetheless, please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: June 22, 2007



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